

United States District Court  
FOR THE  
DISTRICT OF MASSACHUSETTS

CIVIL ACTION NO. 04-11730 NG

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GEORTO, INC.,  
Plaintiff,

v.

WILLIAM GATEMAN, INDIVIDUALLY  
and as TRUSTEE OF 200 UNION  
STREET REALTY TRUST

Defendant,  
Third Party Plaintiff, and  
Third Party Defendant-in-  
Counterclaim

ROBERTS CORPORATION

Third Party Defendant,  
and Third Party Plaintiff-in-  
Counterclaim  
\_\_\_\_\_

**AFFIDAVIT OF J. MARK DICKSION IN SUPPORT  
OF AN AWARD OF ATTORNEY'S FEES AND COSTS IN FAVOR OF  
ROBERTS CORPORATION**

I, J. Mark Dickison, do depose and state, as follows:

1. I am an attorney licensed to practice in the Commonwealth of Massachusetts, have been a member in good standing of the bar since December 1995, and have tried numerous cases in both in state and federal courts in Massachusetts. I am a partner in the law firm of Lawson & Weitzen, LLP located at 88 Black Falcon Avenue, Suite 345, Boston, MA 02210. I have personal knowledge of the facts recited herein.

2. I represent the third-party defendant Roberts Corporation. As of July 3, 2007, all of the claims against Roberts Corporation have been decided in Roberts favor. After the judge's ruling, Roberts Corporation has moved for attorney's fees pursuant to Rule 11 of the Federal Rules of Civil Procedure.
3. Throughout this case, I have billed Roberts Corporation at rates between \$235 - \$250 per hour. An associate of Lawson & Weitzen, LLP, Dean J. Hutchison, a member of the bar of the Commonwealth since 2003 who has assisted me with several trials, has billed Roberts Corporation at a rate of \$180 per hour. I believe that the billing rates charged to Roberts Corporation are fair and reasonable. Based upon my over ten years of experience and to the best of my knowledge, the rates are consistent with the rates currently charged by similar mid-sized law firms based in Boston. Attached hereto as Exhibit A is a February 23, 2007 decision entitled, *Robert Fronk et al v. John P. Fowler*, 22 Mass. L. Rptr. No. 15, 366 (May 21, 2007), Middlesex Superior Court No.02-1216, by which a Superior Court judge awarded a large Boston law firm substantial fees under G.L. c.231, §6F and determined that, in that case, reasonable hourly rates were \$450 to \$575 per for partners; \$195 to \$360 per hour for associates; and \$110 to \$195 per hour for paralegals. My hourly rate, which is much lower than these rates, is well within the rates determined to be reasonable for a partner in a Boston law firm. Similarly, Mr. Hutchison's rate is below the rate deemed reasonable for an associate in a Boston law firm.
4. In connection with this fee application, I have reviewed the time entries to assure no excessive, redundant or unrelated matters are included within the amount of \$131,440.08 sought for reimbursement as a result of the third-party plaintiff's violation of Fed.R.Civ.P. 11. Detailed final bills compiled from contemporaneous time records are attached hereto as

Exhibit B documenting the \$131,440.08 in fees and costs billed to Roberts Corporation from March 2005 to June 2007 as a result of third-party plaintiff's violation of Rule 11.

Signed under the pains and penalties of perjury this 3<sup>rd</sup> day of August, 2007

/s/ J. Mark Dickison

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J. Mark Dickison